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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,089	12/15/2001	Joachim Schulz	TAIG-98	6522

7590                    06/17/2003

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[REDACTED] EXAMINER

FLORES RUIZ, DELMA R

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

2828

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/017,089	SCHULZ ET AL
	Examiner	Art Unit
	Delma R. Flores Ruiz	2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 15 December 2001.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.



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**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.7.      6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1 – 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The specification and claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claims 1 – 11 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: Claims 1 and 10 for example presents a mere recitation of a group of elements without disclosing how said elements are interrelated in order to perform as an apparatus capable of carrying through any perceptible actions. There is no structural or means recited in the claim, for

performing the apparatus, example laser, mirror, laser beam, etc. One of ordinary skill in the art will not understand the apparatus since the components of the apparatus are not clearly stated at the claim as a complete structure.

Claims 1 – 11 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Claims 1 and 10 for example presents a mere recitation of a group of elements without disclosing how said elements are interrelated in order to perform as an apparatus capable of carrying through any perceptible actions. There is no structural or means recited in the claim, for performing the apparatus, example laser, mirror, laser beam, etc. One of ordinary skill in the art will not understand the apparatus since the components of the apparatus are not clearly stated at the claim as a complete structure.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 3, 6, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Anikitchev Sergej (DE 4421600 A1).

***Regarding claim 1,*** Sergej discloses a system for the reforming of a laser beam (see Fig. 1, Character 20, Abstract) having a circular sector shaped beam cross section into a laser beam with a rectangular beam cross section, includes in the beam path a mirror (see Fig. 1, Character 6, Abstract) with a reflective surface shaped in the form of a circular sector of a parabolic body (said limitation only recites facts and features that are well known and expected, the same features that essentially result from the use or application of a reflective surface shaped in the form of a circular sector of a parabolic body , and therefore said limitations are said to be inherently disclosed in the teachings of Sergej).

***Regarding claim 2,*** Sergej discloses a reflective surface is the convex or concave surface of a parabolic rotational body (see Fig. 1, Character 20).

***Regarding claim 3,*** Sergej discloses such parabolic rotational body is in the form of a rotational parabolic (see Figs. 1, and 11).

***Regarding claim 6,*** Sergej discloses an optical element interposed in the beam path after the circular sector, said optical element (see Fig. 11 Character 24) having at

least one surface serving to reform the laser beam in two mutually perpendicular direction (see Figs. 1 and 11).

***Regarding claims 10 and 11,*** Sergej discloses a coaxial laser resonator with an annular discharge chamber and a circular sector shape output opening and a beam forming system including a mirror with a reflective surface shaped in the form of a circular sector of a parabolic rotational body (see Figs. 1 and 11, Abstract), and circular sector of said parabolic rotational body is coaxially aligned with the circular sector axis (see Fig. 1 Character 30) of the laser beam incident thereon (see Figs. 1 and 11, Abstract).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 – 5, and 7 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anikitchev Sergej (DE 4421600 A1).in view of Ota et al (5,450434).

***Regarding claims 4 - 5,*** Sergej discloses the claimed invention except for a filter. It would have been obvious at the time of applicant's invention, to combine Ota's teachings of a filter with laser since filters absorb some of the light that passes through them and therefore, it is known in the art to use a filter in combination with a laser to select only the desirable component laser beams as an improvement to the system.

***Regarding claims 7 – 9,*** Sergej discloses the claimed invention except for optical element is a lens, (bifocal and cylindrical lens). It would have been obvious at the time of applicant's invention, to combine Ota of teaching a optical element is a lens, (bifocal and cylindrical lens) with laser because it is known in the art to use a lens in combination with a laser to focusing radiation other than light and make up the beam reforming system.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delma R. Flores Ruiz whose telephone number is (703) 308-6238. The examiner can normally be reached on M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.



Delma R. Flores Ruiz  
Examiner  
Art Unit 2828



Paul Ip  
Supervisor Patent Examiner  
Art Unit 2828

DRFR/PI  
June 11, 2003